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Vol 2 #6

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NEWS FROM MONTANA'S CAPITOL
June 1987 issue
(Volume 2, No. 6)

A Publication from the Office of the
Coordinator of Indian Affairs

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Donald L. Clayborn

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Coordinator of Indian Affairs

The office of the Coordinator of Indian Affairs has been extremely busy since the start of the new year. Cheryle was out on maternity leave since the first part of February and she was blessed with a beautiful baby girl for her efforts. (Dannielle Jo Zwang born February 16, 1987). She will be more than happy to drag out pictures of her new daughter, as anyone who has seen her recently can attest to.

Since Cheryle's return to the office, we have been working harder than a one-legged Indian in a fancy dance contest. We have completed the 1980 Profile of the Montana Native American and it was sent to the printer this week. We hope to have it ready for distribution by July 1, 1987. The Profile is an update to a previous publication this office compiled in 1974. It contains statistical data on Montana's Native Americans and is very useful as a data base for needs assessment and resource allocation for those persons dealing in Indian affairs.

We have also completed the 1987 Directory for Indian Child Welfare. This material is also an update to a directory that this office compiled in 1986. It contains names, addresses, and phone numbers of individuals who serve as resource persons in the area of Indian Child Welfare. This publication has already been mailed to those persons listed in the directory. This directory has proven invaluable when trying to locate a contact person dealing with social services or the court system.

Louie kept very busy with Montana's Legislature while it was in session. All of the many bills which this office was involved with were decided to the tribes' best interests. (I will outline these bills under the Legislative section). Also, Mr. Clayborn had numerous meetings with members of our nation's officials: Mr. Ross Swimmer and Senator John Melcher, as well as meeting with numerous tribal delegations, Montana's Tribal Chairmen's Association and the Intertribal Policy Board. Louie also coordinated several meetings involving tribal, federal, and state agencies.

During Cheryle's absence, we had a temporary addition to our staff in the person of Roxie Helm. Roxie's last day was May 22nd. She has moved to Minnesota with her husband and family. We will miss her. She was invaluable in completing the Native American Profile and thanks to her efforts, the Profile has now gone to the printer.

As most of you are probably aware, this office had budgetary difficulties during the Montana Legislature's 1987 session. Due to previous budget cuts, the office has been operating with only two employees, Louie and myself. The appropriations committee had recommended a 50% cut to our budget for the upcoming fiscal year, but this was later amended and we are now dealing with a 15% cut for this time period. The office of the Coordinator of Indian Affairs would like to thank those people who supported this office during the session. Although we now are forced to operate with limited funds, we will continue to serve those persons requesting our assistance as efficiently as possible.

Because of the aforementioned budgetary limitations, it has become necessary to limit our mailing list. We had several requests, in recent months, from persons asking to be added to our mailing list for "Council Signals" and we apologize to these individuals. It also appears that those persons who request a copy of the Profile and/or the Indian Child Welfare Directory may be required to pay postage for these publications.

We again apologize for this, but compilation and printing costs for these publications has taken a considerable bite out of our budget. We hope that it does not become necessary to request mailing charges for "Council Signals", but should this occur; we would appreciate a response from you, the reader, as to whether or not you would continue receipt of the newsletter. If all of you could drop the office a line stating your opinion, we would be most appreciative. This will also give us some indication as to the value of the newsletter to those persons receiving it and whether or not we should continue the newsletter. Although we have received some correspondence in support of "Council Signals", it is important for us to know what the overall readership feels. So please, let us hear from you soon.

OUR APOLOGIES go out to the BIA Social Services department of the Blackfeet agency. We inadvertently omitted them in the Indian Child Welfare directory. We recently received a letter from their office politely informing us of our omission. According to the letter, the BIA "Social Services program is generally speaking the first contact point for out-of-state mail referrals of ICWA cases" and "also provides the principal Child Protective Services .. after the initial investigation". By way of apology, we are listing their address below. We ask that persons please add this address to their respective directories.

BIA Social Services
J. Milburn Latham, Director
Blackfeet Agency
Browning, Montana 59417
(406) 338-7515

Again, we extend our apologies.

MONTANA SAFETY BELT COALITION

Louie Clayborn is on the Board of Directors for the Montana Safety Belt Coalition. The mission of the coalition is to increase safety belt usage and the use of child safety seats. We would greatly appreciate the reservations notifying us as to whether or not they have a safety belt promotion occurring on their reservation and who to contact in this area. Mr. Clayborn would very much like to work with these people in promoting the usage of safety restraints.

CAPITOL NEWS

The 1987 session of Montana's Legislature was, to say the least, hectic and full of controversy. HB 101, which would have made English the recognized language of Montana, was introduced early on in the session. Many Indian educators and leaders came down to Helena to offer testimony against this bill. Rep. Russell was quite vocal in her opposition of the bill. Consensus opinion around Indian country indicated that this bill failed to recognize the Native American tongue as being the first language spoken in Montana and that it is still the mother tongue for many of Montana's Indian people. This bill was defeated.

Senate Bills 17 and 18, both of which were sponsored by Senator Dick Pinsoneault of St. Ignatius, passed and were signed into law by Gov. Schwinden in April. SB 17 created the position of Indian Child Welfare Specialist within the Department of Social and Rehabilitation Services (SRS). The bill had started out in its original form with an allocation cost tacked onto it. This was later deleted due to budgetary concerns. The bill, in its final form, states that the person who fills this position shall already be in the employ of SRS. As of this date, the position has not been filled, but appointment is expected soon.

SB 18 amended the Montana Codes Annotated (MCA's) regarding foster care review boards. Due to the passage of this bill, any case before review of a foster care review board which involves an Indian child shall now require that a person knowledgeable of Indian culture and family life be on that board.

Senate Bill 47, which was sponsored by Sen. Delwyn Gage of Cut Bank, made it through the Senate but was defeated in the House. It was killed in the House Taxation Committee which is chaired by Rep. Ramirez. This bill would have created a means of revenue-sharing between the state of Montana and the tribes.

This office also drafted a joint resolution (SJR 1) which opposed the Indian Health Services' proposed regulation changes. This was passed unanimously.

House Bill 20 which called for the re-creation of the Indian Affairs committee also passed.

Governor Signs Bill - Montana Promotion Budget Boosted Inside, Montana Dept. of Commerce, May-June 1987

On April 27 Governor Ted Schwinden signed into law a 4 percent tax on hotel, motel and campground accommodations. This action quadruples the budget of Montana's tourism office, boosting tourism promotion funds from approximately \$1.2 million to \$4.8 million. Prior to the legislative change, Montana was an "also-ran" in the highly competitive game of attracting tourists, with a budget that ranked 49th in the nation. "The overall picture is that we're entering the big leagues, instead of playing in the minors," said John Wilson, administrator of the state's Montana Promotion Division.

In October, Governor Schwinden came out in support of the bed tax, along with the support of the Montana Innkeepers Association. Subsequently, Rep. Cal Winslow, R-Billings, introduced HB 84 to the 50th Legislature. The House voted in favor 87 to 12 with the Senate concurring 34 to 16.

HB 84 places a 4 percent tax on the fees charged for rooms in hotels, motels and campgrounds. "The tax is on the tourists and travelers, and not the hotels themselves," said Wilson. He added that the tax will not make Montana accommodation rates less competitive because most states already have a bed tax.

The Montana Promotion Division will receive its entire budget from the tax fund. The division will retain about 75 percent of the money, with the bulk of the remaining 25 percent being distributed to Montana's six tourism regions for local promotion and a small percentage going to the university system for travel research and to the Montana Historical Society for roadside sign maintenance.

For the first time Montana will be able to launch an aggressive tourism campaign in major metropolitan areas like Denver, Minneapolis, Seattle and Los Angeles. The division will also create a program to attract regional and national conventions to Montana, increase its promotional budget to attract more movie companies, go head-to-head with Utah and Colorado in the winter sports arena and encourage more publicity about Montana in magazines and publications. With this new revenue, Montana anticipates that tourism growth rates will increase from 2.5 percent per year to 4 percent to 5 percent per year by 1990. "The travel industry in Montana has taken the bull by the horns and is going to be competitive on a national and international scale," said Wilson.

NOTE: A meeting has been scheduled by this office between the Montana tribes and the Travel Promotion bureau. We hope that increased involvement will assure Montana's reservations of greater promotion in the area of tourism.

TRADE SHOW - featuring Montana Made
Inside, Montana Dept. of Commerce, May-June, 1987.

A major trade show is scheduled in Butte, June 26-28, at the Civic Center. Sponsored by the Business Assistance Division, The U.S. Small Business Administration, and the Butte and Anaconda chambers of commerce, the trade show is the result of demand by Montana manufacturers, retailers and wholesalers. "Made in Montana" products will be featured all three days - with June 26 set aside for buyers only. The two days of the show are open to the public. In-state trade shows primarily assist Montana manufacturers to develop and expand into new markets. The "Made in Montana" display booth will also be on the road once again to garner national recognition for local products. This spring, Montana-made products were displayed in San Francisco, Portland, Chicago, and Japan. For more information about booth space for the Butte show or other trade show activity, contact the Business Assistance Division.

The Montana Products Directory will be published in August. All manufacturers should return their response cards to the Business Assistance Division as soon as possible. If we missed you in our survey, contact the division at 444-4372.

CDBG Training - Inside Commerce

The Local Government Assistance Division had scheduled the following training sessions for persons interested in applying for funds from the 1987 Community Development Block Grant (CDBG) program. These meetings were held in Shelby, Polson, Livingston, Glasgow, and Miles City. A

copy of the final application guidelines should have been mailed in early June to all cities, towns, counties, and persons who have asked to be carried on the CDBG mailing list.

Applications for the fall general competition are due Sept. 18, 1987, and deadlines for the separate winter and spring economic development competitions are Feb. 19, 1988 and June 17, 1988, respectively.

MONTANA LOTTERY

On Wednesday, June 24, at noon all across Montana, tickets officially go on sale for the first Montana Lottery instant game, "Pot of Gold." Each lottery ticket costs a dollar. Using the edge of a coin, players simply rub off the latex covering to reveal printed prize amounts. If the same prize amount appears in three spots on the same ticket, the customer wins that prize instantly. On the average, better than 1 ticket in six wins.

Players get a second chance to win by saving five non-winning tickets and sending them to Helena for a chance to be drawn as finalist for the weekly "Big Spin". The "Big Spin" is a televised show on which finalists spin a large wheel, similar to the one on TV's "Wheel of Fortune". Prizes range from \$1,000. to a Jackpot prize which begins at \$250,000 and increases \$25,000 each time a finalist fails to hit the Jackpot. One finalist is drawn for the "Big Spin" for approximately every 120,000 tickets sold. The first "Big Spin" will be a half hour TV special carried over most Montana television stations. It will air three weeks after the opening day of ticket sales. Thereafter, the "Big Spin" will be a two minute show aired weekly.

Tickets will be distributed to over 800 Montana retail outlets for this game alone. There are 12 million tickets available. "Pot of Gold" is expected to run 6-10 weeks, at which time a new game will be announced.

Winners of a free ticket, \$2, or \$5 must take their winning tickets back to the outlet where they were purchased for their money. Tickets can also be sent to Lottery headquarters in Helena for redemption. All prizes of \$100 or more can be redeemed by mail or at Lottery headquarters in Helena. Claim forms are available at all lottery retail outlets and must accompany any mailed winning tickets. Each ticket must be signed before it can be redeemed.

Good Luck to all you gamblers out there!

Schwinden signs 109 bills

April 2, 1987, Independent Record

Defendants no longer can claim they were too drunk to know what they were doing when committing a crime, under a new law that takes effect Oct. 1. The statute change is contained in House Bill 558 (HB 558), one of 109 bills signed into law by Gov. Ted Schwinden during the past several days. Schwinden as of Wednesday had signed 311 bills from the 1987 Legislature, including 203 House-originated measures and 108 from the Senate.

HB 558 says that an intoxicated or drugged condition cannot be used as a defense to any charge and may not be taken into consideration when a jury or judge determines whether a person had the necessary mental state to be guilty of an offense. However, the legislation provides that the issue of a person's drunk or drugged condition may be considered if he can prove that he had unknowingly consumed the substance causing the condition.

Among other measures signed by Schwinden were bills:

- * Appropriating \$1.1 million in state funding for arts and cultural projects.

- * Requiring every elementary school district to start, by Sept. 1, 1990, special education programs for handicapped children between 3 and 6 years old. The mandate relies on the federal government providing half the funding for each student.

- * Giving a new high school district two years in which to begin operating a new school before the order creating a new district expires.

- * Letting trustees of two or more school districts to form a joint board to share duties

- *Allowing revocation or suspension of a teacher's license if the person enters a guilty or no contest plea to a criminal charge. Present law requires conviction before a teaching certificate can be withdrawn.

- *Creating the position of Indian child welfare specialist within the Department of Social and Rehabilitation Services at a biennial cost of \$106,000.

NOTE: The cost figure for this position is a misquote. The allocation for the position that was originally tacked on to this bill was removed. The position is to be filled by a person already in the employ of SRS.

- *Designating U.S. Interstate Highway 15 in Montana as the Veterans Memorial Highway.

- *Requiring the Dept. of Highways to put up signs identifying mountain ranges along primary and interstate highways.

- *Extending for another four years the limits on state and local government liability in lawsuits that were enacted during last June's special session. The statute makes governments vulnerable to damages of up to \$750,000 per claimant and \$1.5 million per occurrence.

- *Requiring a hospital administrator to request organ donations from a dead person's relatives, if the victim is a suitable candidate for such anatomical gifts.

- *Limiting the authority of the Hard Rock Mining Board to review impact agreements between mining companies and local governments.

- *Allowing the Dept. of Natural Resources and Conservation to waive the mandatory penalty for minor violations of the state's opencut mining laws and, instead, issue a warning and order corrective action.

- *Permitting the Dept. of Fish, Wildlife, and Parks to issue more than one deer or antelope license to an applicant in order to raise money for game management programs.

- *Reserving 25 special antelope licenses for nonambulatory disabled persons.

- *Requiring licenses for manufacturers and distributors of video poker machines and imposing annual license fees.

AROUND THE STATE

State-Tribal Fishing License Studied

Independent Record, May 20, 1987

Kalispell (AP) - A joint state-tribal fishing license is under study on the Flathead Indian Reservation. Such a license was discussed during a review of Flathead Lake management and stream bed protection on the reservation.

State Fish, Wildlife, and Parks Director Jim Flynn met with tribal representatives Monday at Lone Pine State Park. A handful of Lake County residents wanting to sit in on the state-tribal negotiating session were turned away by Flynn. Flynn said their presence would slow progress in the talks. He reminded them that state law requires his department to negotiate hunting and fishing issues with the Confederated Salish and Kootenai Tribes.

Instead, Flynn invited the residents to sit in on a late-afternoon meeting in which the Lake County commissioners were briefed on the session.

At issue is hunting and fishing jurisdiction. The state maintains it has jurisdiction on non-Indian lands; the tribes claim jurisdiction over the entire reservation.

Five main topics were covered Monday, said Mike Aderhold, FWP's Kalispell information officer: 1) Specific roles of joint state-tribal committees that would manage the southern half of Flathead Lake, 2) information about fisheries jurisdiction, licensing, management and enforcement; 3) a proposal for the joint state-tribal fishing license for the reservation. Joint enforcement was discussed, as were methods for increasing the amount of license money returned to the reservation to enhance fisheries. Negotiators agreed to ask the Tribal Council and the State Fish and Game Commission whether they would be interested in pursuing a state-tribal fishing license; 4) hunting issues in general, and upland game hunting in particular - both of which will be top-priority topics at the next session in June; and 5) a proposal for joint review of government projects that affect reservation rivers and streams.

Lawyers from each side will draft the proposal. Such projects now are reviewed by the state fish and game department.

In other developments, Lake County Commissioner Ray Harbin said the commissioners are scheduled to meet with the Tribal Council on Friday to discuss regulation of both hunting and fishing and aquatic lands. Tribal officials reported that five people have been cited so far for violating the tribal hunting and fishing ordinance. The first two were from Missoula and did not appear in tribal court to contest the citations, so default judgments were entered against them and \$50 fines were levied. Three more cases are scheduled next month.

5th Annual Inter-Tribal Alcoholism Camp-Out - June 18-21, 1987

The Blackfeet Confederacy presents a gathering of sober nations.

Creating an alcohol and drug free environment is the primary message that will focus on the annual Montana Inter-Tribal Alcoholism Camp-Out. The alcohol programs of the Blackfeet Confederacy are proud to host this years' events, activities, and program agenda.

Native Americans throughout the state of Montana and the Province of Alberta will gather in "camp-out" fashion, using the Indian tradition of camping together as a model. "You Too can be Sober" is the attitude created nationwide, making an impact on the war against drugs and alcohol. Since the inception of the campout practical approaches to sobriety have been the basis of the gathering. Exploring the many philosophies and methodologies in dealing with chemical dependency, Native influences in a cultural sense creates an atmosphere that offers needed fellowship vital among recovering people.

"A Celebration of Sobriety" participants will have an active four-day gathering. Many traditional and spiritual leaders will be available and allow campout participants the opportunity to partake in sweats, healing ceremonies and so forth. Emphasis is on the youth and activities for them are quite extensive including a Run For Sobriety, a host of recreational events, concession stands, an outdoor concert, and much, much more.

INDIANS STRIVING TO SHED ALCOHOLIC IMAGE
Missoulian, June 1, 1987.

Helena - Louie Clayborn got mad last winter when some tribal Indian alcohol treatment officials said 80 percent of Montana's Indians could be labeled alcoholic.

As state coordinator of Indian Affairs, Clayborn said he was torn between getting into an argument about the "inflated" figures and keeping them in the news, or keeping quiet and hoping the issue would die down. The statement came at a time when Clayborn and other Indian officials were noticing a new awareness of the alcohol problem among Indians themselves, and a growing determination to overcome the stereotype "of the drunken Indian".

"There is a changing attitude among Indians toward alcohol like nothing I've seen in my lifetime," said Joe McDonald, president of the Salish-Kootenai Tribal College. "It is the whole community's problem, and that is the awakening that is taking place."

Instead of wading into the fray blindly, Clayborn and his Administrative Assistant, Cheryle Zwang, dug into the studies cited to support the 80 percent claim. What Clayborn said they found is that most of the information gathered has come from alcohol counselors, second-hand from "biased" surveys or from estimates.

"In trying to find statistical data directly related to American Indian alcoholism, one finds that there virtually is none," he said.

Terry Beartusk, head of the Thunder Child Inter-tribal Alcoholism Treatment Center in Sheridan, Wyo., was among officials last year who said that from 70-80 percent of Indians above age 14 could be considered alcoholic. One of the studies Beartusk used to make that claim was 1975 federal study. In checking into that study, Clayborn said he discovered that the study qualified that finding by saying it applied only to "those Indians who drink". "Not all Indians drink. That is part of the stereotype," Clayborn said. Studies and claims often are made to support requests for federal or state grants to support programs, Clayborn said, which makes the figure even more suspect.

A study done by Eastern Montana College sociology professor Ruey-Lin Lin after Beartusk and others used the 80 percent figure showed that the percentage of adult Indians who could be classified as

alcoholics was about 30 percent. Clayborn said he is sure the Lin estimate is closer to reality, "but the point is that we don't need to add to the stereoytpe by using questionable statistics." "I am not trying to minimize the problem or trivialize the problem of alcoholism among Montana's Indian populace," Clayborn said. "But I also know that throwing out statistics claiming that 80 percent of Montana's Indian people are alcoholic does not benefit anyone."

Negative adult role models and statements that reinforce the stereotype of Indians being doomed to lifetimes of alcohol abuse make it easier for young Indians to fall into that trap, said Sybil Sangray, Community Action Team coordinator for alcohol and other programs on the Rocky Boy Reservation. But there are signs of change, she said.

A recent all-night senior graduation party at the Rocky Boy school where tobacco and alcohol were banned drew 10 of the 11 graduating seniors plus about 30 parents and other students, she said. "When I was growing up on the reservation if you didn't smoke you were really stupid. If you didn't drink you were really stupid. The peer pressure is shifting in the opposite direction today," she said.

This year, students also were allowed to take a pledge to remain alcohol- and tobacco-free, she said. Those who stayed "clean" were given a trip to Hawaii from funds raised on the reservation. Most of those who took the pledge stuck to it, she said, and 15 junior and senior high students made the trip.

Other tribal leaders report similar community-based efforts. McDonald said his students are circulating a petition to enact a tough anti-alcohol policy at his college. "It is a community effort," he said. "The traditional spiritual leaders are using Indian traditions to try and fight it as well." One of the reasons the drunken Indian stereotype is so hard to overcome, McDonald said, is that alcoholic Indians generally wind up on the streets or in jail. "White people get their drunks off the street into houses," he said. "Many Indians are homeless and don't have people to cover up for them".

National publicity against alcoholism such as anti-drunk driving campaigns have been partially responsible for increased awareness among Indians, Clayborn said. "But it is coming from within," he said. "The movement is probably about eight years old, but in the last three or four years the trees have begun to show fruit."

Clayborn said he supports self-determination in alcohol programs, but there remains a need for government financial support. But the ultimate victory, Clayborn said, is made when a youngster comes home and tells his parent, "Guess what I learned Alcohol kills your brain cells."

"I really believe that the people of my generation probably are going to be the last to greatly abuse alcohol," Clayborn said. "We were brought up to think that alcohol was a way out. Indians, especially the younger ones, are finally learning that isn't true."

"WAR PARTY"

A new film is being done by Hemdale, the makers of "Platoon", and it is entitled, "War Party". The film company was recently in Montana doing casting for the film. The casting trip stops included Browning, Cut Bank, Kalispell, Polson, Billings, and Helena. Native American roles included Indian males 20-70 years old and Indian females 20-25, 40-50, 60-80 years old. "War Party" is a contemporary American Indian Film set on the Blackfeet Reservation.

GREAT FALLS AWARDS CELEBRATION

The 1987 Great Falls Indian Education Department's Awards and Achievement Celebration was held at CM Russell High School on May 11. The philosophy of the Department is to focus on students who may not receive a great deal of recognition throughout the year and encourage their teachers, counselors, and other school personnel to nominate them for an award. The students involved are from Headstart through high school and their awards may include categories such as grade point averages, perfect attendance, achievement, scholarships, "Whiz Kids", improved attitude, or a multitude of special areas where all kids may be recognized.

The American Indian Heritage Foundation awarded the students first place in the following categories: Jugg Samoy, Jim Thorpe Award, (Jugg was all-state in football and wrestling); Bernice Falcon, personal Achievement; Karen Albert, Art; Galela Young, Essay. Among the other awards given were special recognition to school and community leaders for their contributions to the general welfare of Native American children. Receiving these awards were: Dr. Jerry Weast, Supt. of Schools; Dean Kromarek, Great Falls boxing coach; Pearle McGillis, 1987 Montana Indian Education Assoc. Parent of the Year; Pat Johnson, Director of the Great Falls Christian Children's Program.

Special guests were Lt. Governor, George Turman; Senator Bill Yellow Tail; Coordinator of Indian Affairs, Louie Clayborn; OPI's Manager of Indian Education, Bob Parsley. Entertainment was provided by Jack Galdstone of East Glacier and Rob Quist of Colorado. Rob is formerly a member of the Mission Mountain and Montana Band.

GREAT FALLS SEXUAL ABUSE WORKSHOP

The Great Falls Indian Education Dept., in cooperation with the Indian Education Resource and Evaluation Center from Bismarck, North Dakota, sponsored a workshop on Child Sexual Assault at the Vo-Tech on May 14-15. The workshop was in response to an ever-growing concern about sexual abuse among Native American families. The workshop addressed many issues, techniques, and awareness of dealing with children and their families who were victims of sexual assault.

The workshop was well-received by participants from throughout the state. They were very enthusiastic about the information they were able to take with them and the quality of presenters. The main presenter was Iva Trottier, Mental Health Specialist from Fort Peck. Her wealth of information and easy-going manner was well received by the participants. Other presenters and their topics were as follows: Susan Radar and Jolene Goodover, Child Psychologists, "Male Victims"; Alyce Spotted Bear, consultant, "Good Touch, Bad Touch"; Cheryle Zwang, Asst. Coordinator Indian Affairs, "Indian Child Welfare Act"; Lori Clark, Social Worker, "Role of Social Services in Sexual Abuse Cases"; Dr. Tom Krajacich, "Treatment and Recovery"; Toni Marra, "State, Federal, and Local Laws." One of the highlights of the workshop was a panel of individuals who had been sexually abused as children. They were honest, informative, and forthright with their responses to the audience. The Gt. Falls Indian Education Dept. has had many requests to have additional workshops and several participants feel very strongly that a similar class should be available to all school personnel and others who work with Native American children.

TRIBES HAVE RIGHT TO TAX

Wotanin Wowapi, Feb. 26, 1987

Billings, MT (IPN) - Non-Indians who benefit from services provided by a tribe can be required to pay taxes to that tribe, said a Seattle lawyer whose firm specializes in Indian law.

Leaders from seven Montana Indian reservations and the Wind River Reservation gathered to hear Robert L. Pirtle bring his message to a Federal Bureau of Indian Affairs (BIA) symposium in Billings. Pirtle said many court decisions have upheld tribal authority to impose taxes, including taxes on non-Indians living and working on reservations. Tribes can use their right to exclude people from reservations as a means of enforcing tribal codes, he said. A non-Indian rancher who owns the right-of-way through tribal land can be asked to follow tribal codes in order to maintain his access, said Pirtle.

Tribal officials should also remember that states "can only tax Indians when Congress says so," said Pirtle. The decisions must fall in favor of the Indians if the congressional intention is not clear.

Pirtle said two Montana court decisions involving the Blackfeet Tribe support that principle. The tribe successfully challenged Montana's attempt to impose a state royalty on oil produced on the reservation. The Supreme Court ruled against the state because it lacked specific authority in federal law.

The Crow tribe's challenge of a state tax on Crow-owned coal produced outside the reservation boundaries is still pending a decision before the 9th Circuit Court of Appeals. (This case has been decided in favor of the Crow tribe, although it will be appealed, and the article covering the court case is included in this issue of "Council Signals".)

The tribes should be careful when enforcing their codes before attempting legal action and should seek assurance they are presenting the best possible case, he cautioned.

AT THE FEDERAL LEVEL

Below is a reprint of information sent to this office by Rep. Pat Williams dated June 5. This office will be meeting with staff members from the General Accounting Office on June 18 to coordinate the study.

Dear Mr. Clayborn:

Earlier this year, I was joined by Sen. Melcher in my request of a General Accounting Office study related to some of the concerns that have been expressed to me. A copy of this request is enclosed for your information.

The Denver Regional Office has now designated staff to conduct this study and within the next few weeks the study will begin. I hope that you will cooperate with the investigation as it will provide useful information for Tribes, county governments, and the Congress.

Best regards.

Sincerely,

Pat Williams

February 19, 1987

The Honorable Charles Bowsher
Comptroller General of the US
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Bowsher:

We are writing to request that the General Accounting Office (GAO) conduct a study on selected aspects that have been brought to our attention by numerous non-Indian residents of Indian reservations and county government officials. This concern is that non-taxable land status within Indian reservations poses a serious financial burden on adjacent county governments. We believe that the GAO could help respond to this widespread concern by conducting an objective study which will be a useful tool to the congress as we review existing Federal Indian policy.

Originally we had hoped to obtain a total economic snapshot of the fiscal effect of reservations on surrounding non-Indian communities. However, after several meetings between our respective staffs, we were advised that GAO does not have the resources or capability to conduct the comprehensive study we envisioned.

Therefore, we have severely narrowed the scope to the following specific areas:

1) What is the total amount of monies allocated to county governments that is spent on health care for Indian people living on the reservation within the county borders? What would the health care costs to the counties be if Indian Health Service were not providing service (including monies to tribal governments and individuals)?

2) How much state and county monies are allocated to the reservation for social service programs for Indians residing on the reservation (to include state and county expenditures for programs and individuals)? How much federal money is allocated to the reservation for the same purposes? What would the costs to the county be if Bureau of Indian Affairs assistance was not available in the form of Welfare Assistance, Indian Child Welfare, Social Service, Solo Parent Program, General Assistance?

3) What is the total amount of monies allocated to schools on reservations by the state and county government? by the federal government?

4) What has been the loss to the county tax base over the last 10 years from land within the reservation boundaries transferring to trust status?

5) What is the amount of tax revenues lost by the counties and state because of the reservation status? What is the total amount of taxes (property and other Federal, local and state) generated on the reservation?

Because we realize that GAO couldn't possibly conduct such a study on a national basis, we suggest that it be limited to four fairly typical reservations in Montana: Blackfeet, Flathead, Northern Cheyenne, and Fort Belknap.

We look forward to hearing from you regarding this request.

Best regards.

Sincerely,

Pat Williams

John Melcher

MELCHER BACKS MEALS ON WHEELS

Great Falls Tribune, June 1, 1987

Helena (AP) - The Meals-On-Wheels program for the elderly would receive an additional \$1.4 million in federal funding this year under a proposal by Sen. John Melcher, D-Mont.

Melcher's plan was approved Friday by the Senate on a 70-5 vote. The senior Montana senator said his amendment to a supplemental appropriations bill taps money left over from the program in fiscal 1986. The money will be spent through Sept. 30.

"These additional funds for the Meals-On-Wheels program will provide about a million more nutritious meals this summer for older Americans throughout the country," Melcher said in a news release. "It's outrageous that the most prosperous country in the world fails to help homebound older Americans get the nutrition they need."

The program provides meals to elderly shut-ins. Melcher said the demand for home-delivered meals is increasing because there are more and more elderly who cannot make it to local senior centers.

SWIMMER SUPPORTS TRIBAL TAXATION, URGES RESPONSIBILITY

Indian News, May 11, 1987

The Asst. Secretary for Indian Affairs told Montana and Wyoming tribal leaders last week that the Reagan Administration supports their right to tax but warned that congress could intercede if tribes fail to act "responsibly". Assistant Secretary Ross Swimmer met nearly seven hours on May 6 in Billings with area tribal leaders. Several Montana tribes have levied taxes on their reservations in recent months, stirring controversy in the state and provoking Congressional action. One bill introduced in the House and Senate would place a two-year moratorium on the approval of new tribal tax ordinances, an action Swimmer said the Administration will not support. "The issue doesn't turn on whether a tribe should or shouldn't tax," Swimmer told a near capacity crowd. "The issue turns on whether the tribe was acting responsibly and on what the taxpayers on the reservation get in return for the revenue collected."

The assistant secretary said tribes must have revenues in order to provide services and local taxation is one solution to a decreasing federal budget. Swimmer said he would prefer to see revenues raised and spent locally. "Tribal governments have to have revenue. We at the federal level have consistently talked about self-sufficiency, self-determination and the need for tribes to develop businesses and develop wealth on the reservation that can be converted into necessary things for individuals living on that reservation. It would be difficult for us to tell tribes it's fine to be self-supporting but stop short of levying any taxes because most governments tax revenue to support themselves," Swimmer said. He said the Administration's position is that taxation is a legitimate form of raising revenue to support tribal government. "It is the kind of thing we've preached about -- that there's not going to be all the federal money there's been in the past to do everything that needs to be done on the reservation," he said.

Swimmer cautioned, however, that there will be no double-dipping. He said tribes can't expect to receive federal outlays for services that will be funded through local taxes. "The federal government is not going to continue pouring in the same amount of money and then also have them (tribes) go out and collect additional funds to do those same things," the assistant Secretary said.

Swimmer encouraged tribes to work with local taxpayers in advance of levying taxes. He said tribes should have a solid plan, including information for the public on when the tax will come, how it will be spent and why it will be imposed. "The tax issue still has a long way to go before anything is resolved," Swimmer said. "I think that it should be resolved at the local level. It would be best to reach resolution through cooperation with the state and local taxpayers."

CENSUS BUREAU SEEKS RESERVATION HELP

Independent Record, May 17, 1987

Officials on more than 300 Indian reservations are being asked to appoint representatives to work directly with the U.S. Census Bureau in preparing for the 1990 census. Census officials recently sent letters to 322 reservations asking that each assign a tribal member to act as liason with the bureau, which said it will attempt to ensure a "most accurate count of American Indian and Alaska Native populations." The tribal representatives will receive training on why, how and when the census is taken and how the native communities can use census data.

AMENDMENT OFFERED TO DELAY REGS.

Indian News, May 18, 1987

Senator John Melcher (D-MT) said he will offer an amendment to a 1987 supplemental appropriations bill that will delay implemetation of some BIA higher education grant regulations. The BIA recently published new guidelines for its higher education grant program, including a provision to require students to repay grants and become ineligible for future assistance if they fail or withdraw for a term. Melcher called the provision stringent and unreasonable. "Further, these proposals ignore the fact that the American Indian student population is the most underprivileged and needy group in this country, and that Indians may need extra help in overcoming barriers to success." The BIA published the proposed regulations earlier this year to invite comments, which will be considered before implementation. The BIA is reviewing about 200 comments from Indian tribes, individuals and colleges. Esther Whalen, the BIA's director of higher education, said the provision applies to those students who cannot justify dropping out of school. She said there is not enough funding to give scholarships to all Indian students who apply. Comment period on the regulations has closed but no date has been given for final implementation.

STATISTICS ON INDIAN EDUCATION

The following is a reprint of material taken from the "Indian Affairs" publication, Spring 1987.

NATIVE AMERICAN POPULATION (1980 Census)

American Indians	1,478,523
Eskimos	42,098
Aleuts	13,715
<u>Total</u>	<u>1,534,336</u>

EDUCATIONAL CHARACTERISTICS OF NATIVE AMERICANS THREE YEARS OLD AND OVER ENROLLED IN SCHOOL

	<u>Number</u>	<u>Total U.S. Percent</u>	<u>Urban</u>	<u>Rural</u>
Nursery School	21,541	4.3%	10,525	11,016
Kindergarten	30,183	6.0%	14,476	15,707
Elementary (1-8)				
BIA Schools	19,706	3.9%		
Other Public	225,316	44.9%	120,624*	124,398*
Church-related	12,019	2.4%	7,600	4,419
Other Private	7,024	1.4%	1,730	5,294
High School				
Public	110,408	22.0%	54,513	55,895
Church-related	3,775	0.8%	2,363	1,412
Other private	4,517	0.9%	2,162	2,355
College	67,351	13.4%	51,364	15,987
<u>Total:</u>	<u>501,840</u>	<u>100%</u>	<u>265,357</u>	<u>236,483</u>

*includes BIA students

EDUCATIONAL CHARACTERISTICS OF WHITE, BLACK, AND NATIVE AMERICAN ADULTS

	<u>Indians</u>	<u>White</u>	<u>Black</u>
Persons 25 years old and over:			
Less than 5 years of elem. school	8.4%	2.6%	8.2%
High School graduates	55.5%	68.8%	51.2%
4 or more years of college	7.7%	17.1%	8.4%
Persons 18 to 24 years old:			
High School graduates	60.2%	78.7%	61.8%
4 or more years of college	1.8%	7.9%	2.5%

Notes:

1. Indians include American Indians, Eskimos and Aleuts.
2. All data from the U.S. Census Bureau, 1980 Census

BIA, TRIBAL POLICE UNDERGO INTENSIVE EMERGENCY TRAINING
Indian News, May 18, 1987

A new program at the Indian Police Academy in Marana, Ariz., is producing highly trained BIA and tribal police that can respond quickly to law enforcement emergencies across Indian country. Jim Donovan, who heads law enforcement for the BIA, announced that the first class of Indian police has completed the academy's Officer Survival and Tactical Training course. "The program is designed to provide each area with a cadre of highly trained officers available for quick response to critical law enforcement problems," Donovan said. The first class consisted of 22 officers from 18 reservations and the second class, which begins May 25, will train 24 officers. The intensive two-week program trains officers in special techniques and tactics designed to address major emergency situations on reservations. Donovan said officers who take the basic training also will undergo proficiency training each year. He said the training produces officers who are professionals at handling emergencies like tribal and federal building takeovers, tracking fugitives and avoiding major civil disturbances. The Indian Police Academy is funded and operated by the BIA to train federal and tribal police officers.

MELCHER HOLDS UP FBI CONFIRMATION
Billings Gazette, May 16, 1987

Washington (AP) - U.S. Sen. John Melcher has moved to delay the confirmation of FBI Director William Webster as the new chief of the CIA because of a flap over an FBI office in Montana.

Melcher, a Montana Democrat, placed a hold on bringing the nomination onto the floor for consideration. He said he is upset about an FBI effort to move its divisional office from Butte, Mont. to Salt Lake City. Melcher also says the agency hasn't filled a top-level vacancy in Butte for more than a year. Melcher also said he is unhappy with the FBI's law enforcement activities on Indian reservations. "I'm not above playing this as hard as I have to to get their attention," Melcher said. "After I get their attention, they'll be very cooperative."

Melcher, a former chairman of the select Committee on Indian Affairs, said Wednesday that his beef with Webster centers on "obvious discrepancies between the latest FBI figures on major crimes on the reservations and the BIA figures." "There is something very wrong here," he said. The Montana senator said figures for the Blackfeet reservation in northern Montana showed 99 major crimes, such as murders, rapes or aggravated assault, but only three convictions.

"Just looking at those numbers and you have to wonder, were there a lot of false alarms?" he said. "It's a no man's land on many reservations in regard to the investigation and prosecution of many serious crimes." Melcher, whose state has seven reservations, said Webster seemed to have a "cavalier" attitude toward the problem. The FBI statistics "don't paint a true picture of what is happening on the reservation, and that concerns me," he said.

ALCOHOL/SUBSTANCE ABUSE FUNDS READY FOR DISTRIBUTION TO IHS AREAS
NIHB Health Reporter, May 1987

Rockville, MD - Having recently completed development of a process for allocating funds specific to tribal alcohol and substance abuse needs, Indian Health Service (IHS) officials now expect to distribute some \$16 million in new FY 1987 funds in the coming weeks. The allocation involves the majority of the \$21.7 million appropriated to IHS to carry out tribal health activities under P.L. 99-570, the Omnibus Anti-Drug Abuse Act of 1986.

Distribution of monies to the IHS areas will be made according to a Resource Allocation Methodology (RAM) formula developed specifically for tribal alcohol and substance abuse activities. The same methodology, in turn, will be used to distribute funds to the service units. According to IHS, the primary objective of the RAM criteria is to distribute resources on the basis of need, while a secondary objective is to promote program effectiveness. The RAM contains uniform staffing criteria as well as cost-index factors to reflect the varying costs of services from one area to another.

In allocation of the new funds this year, \$4.9 million will go to prevention activities, specifically community education and training. The remaining \$11.1 million in alcoholism/substance abuse funds to be allocated in accordance with the RAM application is to go for "treatment" services. This includes \$8.1 million for community-based rehabilitation and follow-up services within each service unit for Indian youths who are alcohol or drug-abusers and \$3 million for staffing of regional treatment centers. (IHS has requested OMB approval to allow those areas which will not have a treatment center operating this year to expend their staffing money for contract inpatient services.)

In the past, IHS has been criticized for devoting a very small fraction of its alcoholism funds to prevention. It now intends to direct a three percent increase per year toward prevention services, until 25 percent of its total Alcoholism/Substance Abuse resources are dedicated to prevention.

With the remaining \$5.5 million appropriated under P.L. 99-570 this year, IHS hopes to renovate and expand two or three existing IHS or IHS-funded facilities to serve as regional primary treatment centers, and in those areas where a regional treatment center is not established this year, to purchase contract inpatient treatment services. Each IHS area will be asked to identify two or three potential sites to serve as the treatment center for its population, using selection criteria developed by headquarters staff. The treatment centers will provide services both to youths and adults. Tribal programs referring clients to regional primary residential treatment programs will be required to provide aftercare services to all clients they refer and to work with their family members.

Reportedly, IHS Director Dr. Everett Rhoades intends to convene a panel with members from outside the IHS who have expertise in the area of youth alcoholism and substance abuse treatment to consider the sites recommended by each area.

PROPOSED LIMITS TO TAXING AUTHORITY
American Indian Report, June 1987

Two new pieces of legislation which could greatly limit the authority of tribes to tax non-Indians have been introduced in Congress by Rep. Ron Marlenee (R.-MT). One bill, HR 2184, bears a close resemblance to Sen. John Melcher's (D-MT) bill introduced earlier in April which will establish a two-year moratorium on tribal taxing of non-Indians and will require review of all such taxes by a Presidential Commission. (See American Indian Report, Vol. III, No. 5) A significant omission from Marlenee's bill, however, is Melcher's provision of additional budget appropriations to offset the expected loss of revenue to the tribes as a result of the moratorium. Marlenee's other bill, entitled the "Indian Nondiscriminatory Act," requires that all tribal tax ordinances be equally applicable to Indians and non-Indians. The Act also requires the application of tax revenue to governmental services for both Indians and non-Indians. Approval by the Secretary of the Interior will be required for all tribal taxes, and a sovereign immunity defense to a civil action regarding Secretarial approval provisions will be ineffective. Taxes assessed on a property by two or more taxing authorities, e.g., a tribe and a state or local government, may be subject to tax revenue sharing including a required 80% offset by the tribe of any tribal tax duplicating a government tax. Both bills have been presented to the House Interior Committee.

COURT CASES

CROW WIN COAL RULING

Billings Gazette, June 12, 1987

San Francisco (AP) - Montana's taxes on coal mined on the Crow Indian Reservation and adjoining land were struck down by a federal appeals court Thursday in a multimillion-dollar victory for the Indians and coal companies.

Reversing a lower-court ruling, the 9th U.S. Circuit Court of Appeals said the taxes, first levied in 1975, violate federal law by interfering with tribal economic development, autonomy and self-government. The taxes were not justified by the state's claimed financial and environmental interests, the court said. "Coal production is vital to the economic development of the Crow Tribe," much like bingo games run by Indians in California and found exempt from state taxation by the Supreme Court earlier this year, the appellate panel said.

The taxes are the 30 percent severance tax and a gross proceeds tax, imposed on the coal producer and assessed like a county property tax. The Crow Tribe contends the effective tax rate is 32.9%, more than double that of any other coal-producing state. Montana officials say the effective rate is 21 to 22 percent. The court did not resolve that particular dispute. It was not immediately clear what effect the ruling would have on past taxes. The tribe, joined by the federal government, filed suit in 1978. The court said Westmoreland Resources, to which the tribe has leased some mining rights, has paid \$82 million in state taxes since 1975. But the ruling's economic effect could be substantial, judging from figures provided by the court on the effect of the tax.

According to an economic study produced for the tribe, Montana produced 40.6 percent of Northern Great Plains coal in 1975, before the tax took effect, and Wyoming produced 43.8 percent. By 1982, Montana's output had dropped to 18.2 percent, and Wyoming's had risen to 69.5 percent.

Note: Although this case was decided in favor of the Crow Tribe, it will be appealed to the U.S. Supreme Court. In an article printed in the June 13, 1987 issue of the Great Falls Tribune, Dan Bucks, Deputy Director of the state Revenue Dept., is quoted as saying, "The implication of this decision both for the taxes and for the question of whether the coal is part of the reservation itself are so broad that the state has little choice but to appeal". Clay Smith, assistant Attorney General, is also quoted in the same article. Smith said that the state has until Sept. 9 to request the U.S. Supreme Court to hear the case and that a high court ruling is unlikely before July 1988.

HATFIELD BARS TAX BY TRIBE
Billings Gazette, May 16, 1987

Great Falls (AP) - U.S. District Judge Paul Hatfield has temporarily barred the Fort Peck Indian Reservation from imposing a 3

percent tax on Burlington Northern Railroad right of way crossing the reservation.

In his order, Hatfield said Burlington Northern appears likely to succeed in its argument that the tribe has no power to impose the utility tax on the railroad because Congress granted the railroad a right of way in 1887. That was a year before Congress established the Assiniboine-Sioux reservation.

Hatfield ordered BN to post \$300,000 with the court as a security for its payment due if the court ultimately decides the tribe has the right to tax the railroad. The reservation's utility tax ordinance adopted in January, levies a 3 percent tax on any utility's property located on Indian trust lands or a 1 percent tax on property of rural electric and telephone cooperatives.

In a petition filed March 11, BN asked the court to nullify the tax, claiming the tribes lack the sovereignty to impose a tax against the railroad. Or, if the tribes do have such power, the 3 percent tax on BN property violates the Constitution as well as congressional intent, the railroad said. Defendants include the Assiniboine and Sioux tribes at Ft. Peck, the Ft. Peck Tribal Executive Board, the reservation's tribal tax commission and several individuals.

Lawyers for the tribes have said - among other things- that Congress's 1887 grant of a railroad's right of way through what was to be the Ft. Peck Reservation merely implemented the tribes' earlier grant. The tribes extended right of way to the railroad in an 1886 agreement with the U.S. government, the tribes argue. Citing previous federal case law, Hatfield's memorandum states that the power to tax is an essential part of a tribe's sovereignty, because it is necessary for self-government and territorial management. And the Railroad has conceded "the general power of Indian tribes to tax the transactions of

non-Indians which occur on trust lands and significantly involve a tribe or its members," he wrote. But from a preliminary look at the issues, BN appears likely to prevail on the argument that congress exercised its superior power and "thereby abrogated the tribes' sovereign power to impose a tax on that right of way," Hatfield wrote.

BN ASKS U.S. COURT TO BLOCK TAX BY BLACKFEET
Billings Gazette, June 5, 1987

Great Falls (AP) - Burlington Northern Railroad has gone into U.S. District Court, asking Judge Paul Hatfield to nullify a 4 percent possessory use tax on the Blackfeet Indian Reservation. BN claims that the tax - recently adopted by the Blackfeet Tribe and approved by the Bureau of Indian Affairs - is illegal either because the tribe lacks the authority to tax railroad property on the reservation, or because the tax violates BN's rights under specific laws and the Constitution.

Hatfield set a June 29 hearing on the motion for a preliminary injunction to keep the tribe from levying or collecting the tax while the issue is in court.

TRIAL DATE SET IN INDIAN CASE OF FUND MISUSE
Billings Gazette, May 12, 1987

A June 30 trial date has been set for four Rocky Boy tribal officials and 14 other people from the Rocky Boy, Fort Belknap and Blackfeet Indian reservations.

All are accused of misuse of tribal general assistance welfare funds and made their initial court appearance Monday in U.S. District Court in Great Falls.

U.S. Attorney Carl Rostad of Great Falls said the four Rocky Boy officials were involved in what he termed a "giveaway" program, in which individuals not eligible for general assistance were given financial aid. The others were charged with gaining general assistance under false pretenses. Rostad declined to say how much money was involved.

GENERAL INFORMATION

INDIANS, COMMUNISM HAVE LITTLE IN COMMON

Tim Giago, editor of the Lakota Times (May 11, 1987 - Great Falls Tribune)

Flandreau, SD - A couple of years ago, Indian news reporters and editors were being offered all-expense-paid trips to Nicaragua to get a close-up look at the way the Sandinistas were -supposedly- working to alleviate the clashes between themselves and the Indian tribes. Many an aspiring journalist and editor from Indian country seized this offer and dashed off to Nicaragua. There, they were led deftly through the propaganda hoops of the Sandinistas.

Maybe it's because I am a veteran of the Korean Conflict and, as such, fought communism, or maybe it's because I abhor the lack of freedom of the press in Nicaragua, but in any case, I gracefully declined the Sandinista invitation, and wrote an editorial in my weekly newspaper criticizing those journalists who, I felt, prostituted themselves by accepting the invitation.

Perhaps I'm old-fashioned, but I get very angry when I read news stories about militant American Indians wanting to establish an embassy in Libya because American is persecuting Libyans and Indians. It would make more sense to me if Indians set up an embassy in Washington, D.C. The roots of most Indian problems begin and end in D.C. Any Indian who believes he has something in common with a Libyan or with Moamar Gadhafi because both have been attacked by Americans had better wonder whether they would also feel this way about Nazi Germany and Adolph Hitler.

When the militant Russell Means and the American Indian Movement came out in support of the Sandinista government a few years ago, I became angry because I don't believe the traditional Indian way of life and communism are compatible. One instructor at a local Indian community college tried to convince me, and unfortunately, his students, that the Indians of old lived lives very similar to the way communists live theirs. I told him that living in a communal way, as Indian tribes did, is a lot different than living under a totalitarian form of government where the party owns everything and the individual owns nothing.

The free system of voting for leaders and on issues, as practice by the Indian tribes, is much closer to a democratic form of government. As a matter of fact, and as a matter of record, the U.S. Constitution was based largely on the democratic system used by the Indian tribes of the Iroquois Confederacy.

Means decided to travel to Nicaragua and personally check out the situation there without using the Sandinistas as his guides. He left Nicaragua convinced that the Indian tribes of that country were in much worse shape under the Sandinistas than they were under Samozza. When he returned to the United States and spoke out against the Sandinistas, members of AIM, including his own brother, Bill Means, condemned him. Means learned the hard way that Indians and communism are not compatible. He said, "Indians are fervent anti-Marxists because it is a godless philosophy." This came as somewhat of a shock to the hierarchy of AIM because it had patterned much of its own philosophy after Marxism.

I am bothered to hear American citizens speak out against their own government after the death of Benjamin Linder, an American engineer working for the Sandinista government. Linder was working in an area where a state of war exists. He was working on a hydro-electric dam. Recall, if you will, the Sandinistas themselves targeted these very projects for their attacks during their revolution. When four American Marines were gunned down by communist rebels in El Salvador, killed in cold blood by weapons supplied by Cuba and Russia, where were all of the liberal protestors? I did not hear one of them condemn the communists for furnishing the weapons or the money of death in this instance.

If the Russians, Cubans and Americans start to supply Nicaragua and El Salvador with tractors instead of tanks, seeds instead of bullets, farmers instead of military advisors, and crop dusters instead of

helicopters, and I am then extended an invitation to visit and do a news story, I would, at my own expense, be happy to do so.

As Will Rogers, another American Indian, put it more than 50 years ago, "When the big countries stop helping the little countries make war, maybe then we'll make peace."

TRIBAL WATER RIGHTS - Mistrust slows negotiations with 6 Indian Gov'ts
Billings Gazette, May 25, 1987

No problem is ever easily resolved between tribal and state governments, and the sensitive nature of water rights gives it the potential of being the most difficult issue yet.

The Montana Reserved Water Rights Compact Commission is assigned the task of forging agreements with tribes on seven Indian reservations and with four federal agencies. Commission members set up shop in 1979 and have since come to agreement on one reservation - Fort Peck. With the exception of the Blackfeet, formal negotiations have been opened with tribes on each of the five remaining reservations, as well as the Turtle Mountain Band in North Dakota, which has scattered holdings in Montana.

Chris Tweeten, assistant attorney general and vice-chairman of the compact commission; said commissioners have taked informally with the Blackfeet. "The process is so slow, the perception is that nothing is being done," Tweeten said. "Actually a lot is being done."

The pace is set by the complexity of the issues and the limited resources of the compact commission, he said. The commissioners are able to concentrate on only one or two tribes or federal entities at a time. Commissioners negotiate directly with the tribes, but the Dept. of Interior and the Justice Dept. are also involved and any compact must meet their approval.

In addition to negotiating with the tribes, the commission is authorized to work with the National Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management to quantify their water rights. The compact commission's main goal is to develop plans that define the rights of all users and avoid lengthy and costly court battles.

Attorney Marcia Rundle, program manager for the commission, said she has heard estimates that it cost Wyoming between \$8 million and \$12 million to litigate water rights on one reservation. "In Montana, we have seven reservations," she said.

The biggest barrier to agreements is a long history of state and tribal mistrust, Rundle said. Sometimes local politics and water shortages add complications. But negotiated settlements do offer a chance for the state and tribes to create a plan beneficial to both. Just the fact that the governments can work together is a "very positive thing," she said.

BIWC COMPLETED \$456,000 K-MART CONTRACT
Glacier Reporter, May 14, 1987

Last Saturday morning at 9:15 a.m., the last semi load of pencils left the Blackfeet Indian Writing Company plant, fulfilling a \$456,000 K-Mart contract.

In January of 1987, the Blackfeet Indian Writing Company signed a contract with K-Mart to manufacture 12,000,000 pencils which will be used in a national "back to school" campaign this fall. The pencils are a light tan color with a maroon imprint. The imprint says "Blackfeet Indian Writing Company" and "Buckskin No. 2". The pencils will be sold in a plastic pack of twelve which will hang on a hook in every K-Mart store in America.

When negotiations were first entered into, there was a lot of skepticism about whether or not the Writing Co. could do 12,000,000 pencils for K-Mart on a time schedule and still handle their present customers and new customers. After a lot of talking and planning, it was decided that the BIWC needed the exposure that this contract could provide. On Saturday morning, May 10, the last semi load of pencils left Browning, completing the national "back to school" K-Mart pencil contract. The 12,000,000 pencils were completed two weeks ahead of schedule through the tremendous efforts and hard work of the employees in the pencil dept., backline, shipping dept. and night shift.

So remember, when you're buying "back to school" this fall, look for the pencils manufactured in your own hometown.

UIDA SETS UP NATIONAL CENTER FOR INDIAN BUSINESS & ECONOMIC DEVELOPMENT
Winds of Change, June 1987 Summer

The United Indian Development Association (UIDA), the nation's oldest and largest Indian Business and Economic Development firm, announces its National Center for American Indian Business and Economic Development. During the past 17 years, UIDA has raised more than \$91 million in financing and contracts for American Indian enterprises in the U.S. and Canada.

The Center funded through a contract with the BIA, will provide technical assistance to business projects on or near reservations. Priority is given to projects that are beyond the feasibility stage and will produce the highest levels of Indian employment.

The Center performs market, financial, management, and technical services to help reservation businesses get started or expand. Tribes or individuals seeking assistance should forward a written request to: National Center for American Indian Business and Economic Development; c/o United Indian Development Assoc.; 9650 Flair Drive, Suite 303; ElMonte, CA 91731. The request should include: Tribal Resolutions; Project Description; Status Report; and a Description of Specific Form of Assistance Needed. Call the Center toll free (800) 423-0452, or call UIDA (818) 442-3701.

INFANT MORTALITY RATE DROPS
Indian News, May 25, 1987

Washington - The infant mortality rate among Native Americans fell to 10.2 infant deaths per one thousand live births, the Health and Human Services Dept. announced May 13. Dr. Robert E. Windom, asst. secretary for health, said the rate is lower than that of the U.S. population as a whole during the same period. "The Indian Health Service can take pride in its success in lowering infant mortality among Native Americans," Dr. Windom said. "Although much remains to be done in other medical areas to improve the health of Indians and Alaska natives, this example should give heart to the Indian Health Service and to those IHS serves." The newly reported rate is for 1982-84. Three-year reporting periods are used because of the relatively small number of births and infant deaths occurring in a single year among American Indians and Alaska Natives. The 1982-84 rate for Native Americans is nine percent below the 1983 rate for the population as a whole, which was 11.2 deaths per one-thousand births.

BILINGUAL - Why should being fluent in more than one language be considered a handicap?
(Billings Gazette, May 25, 1987)

Bilingual education has sparked national debate in which prejudice is close kin to patriotism. In its simplest form, the question is: "Should English be the sole medium of instruction in U.S. classrooms?"

If a youngster is learning to read in Crow, is he wasting time better spent teaching him English? When a Hutterite child is taught social studies in that archaic German used only by these plain people, will she be handicapped in learning the language of the community beyond the colony? Is a child from a Spanish-speaking home wasting time learning Spanish grammar when his English proficiency is quite limited? The answers depend on the perspective.

Steve Chesarek, director of bilingual education at Pryor, observes, "American is strange. In most countries, being well-educated means being fluent in at least two languages. But, in the United States, being fluent in another language is considered a handicap."

In *Lau v. Nichols* in 1969, the Supreme Court ruled that Chinese-speaking children were denied equal education when the state failed to accommodate their inability to speak English. A year earlier, Pres. Lyndon B. Johnson had signed the Bilingual Education Act, committing the federal government to addressing the needs of youngsters with limited English proficiency. Since that time, the climate of bilingual education may have passed its peak.

The Reagan administration insists that programs that use the native language in the classroom have not proven more effective than those that use English only. Chesarek argues, "It takes at least three years for a youngster to acquire the necessary English proficiency. You might as well teach him to read (in his native tongue) in the meantime."

Dick Littlebear, Title VII consultant and president of the Montana Association for Bilingual Education, said, "It takes five to seven years for a child to acquire the proficiency in English needed for academics."

The first two years only provides the child with survival English - the vocabulary needed to get along on the playground or to ask permission to get a drink.

Chesarek said, "Why not teach the child reading and other skills while waiting for his English to develop?"

The question is a good one at Pryor, where roughly 80 percent of kindergarten students arrive at school speaking Crow fluently and English poorly or not at all. But on the Salish-Kootenai Reservation not a single native speaker was found among the children starting school recently.

Littlebear said teaching the native language is an expression of tribal pride on most reservations. "It's seen as a way of preserving the culture and the language. Unfortunately, that's not what Title VII funds are for."

The Reagan administration contends that there is no evidence that use of the native language has slowed the dropout rate among Hispanics and others and that immersion (the so-called sink or swim in English method) produces English proficiency as quickly as any other method. But bilingual advocates such as Stephen D. Krashen, a leading theorist on second-language acquisition, said, "The only thing that counts in education is the long-term. We are not interested in what kids do at the end of the first grade. We are interested in their long-term chance of success."

Chesarek and others contend that a bilingual approach that uses the native language can produce a child fluent in two languages, cultural and educationally advantaged, instead of a student who is burned out on school and deficient in reading and other areas by the time he acquires enough English to participate in English-only classes.

Chesarek and his Crow-speaking wife, Rose (a bilingual-education teacher), made a conscious decision to teach their children Crow as a first language. Their children, now fluent in both languages, are honor students.

Elnora Stenersen, a pioneer in bilingual education in Montana and retired university professor, asked, "Why do so many people insist on killing a child's native language?"

MILL OFFERS RESERVATION JOB HOPES

Billings Gazette, May 21, 1987

Lame Deer - More than 100 Northern Cheyenne tribal members may get new jobs as a result of the re-opening of the Ashland Saw Mill, according to tribal President Robert Bailey.

In addition to about 80 prospective openings at the mill, the tribe expects to employ another 40-50 people cutting the timber, said Cal Wilson, attorney for the tribe. The mill is opening under the ownership of a new corporation that recently bought the property, Bailey said. One of the officers in the corporation, Bob Harris, is part-owner of another mill in Custer, SD and has an extensive background in mill operations, the tribal president added.

According to Wilson, the tribe has a 10-year contract with the mill to supply 10 million board feet of lumber each year. He estimated payroll for the mill and the lumber contract at \$1 million a year. Owners of the mill have agreed to Indian preference in hiring, tribal officials said.

The tribe also has an agreement with the owners to purchase the mill during the next eight to ten years, Wilson said. Money for the purchase will be set aside in an escrow account.

Members of the tribal council passed a resolution authorizing the timber cutting agreement at a meeting in March. Bailey said the mill is being renovated now.

ECONOMIC DEVELOPMENT

The following was submitted by DeGeer & Associates for publication:

A newly formed corporation has been created for the purpose of generating revenues and jobs for tribal governments through joint-venture agreements with approved tribes. The corporation presently possesses exclusive offers exceeding \$800,000,000 from several of the United States' leading companies. Joint-venture agreements can be made available, which require no investment from the tribe and further fully indemnifies such tribes against business risk or jeopardy to tribal trust assets. For further information contact - DeGeer & Associates, Inc, 918/743-2200, Gene Bread, Vice-President.

UPCOMING EVENTS

Protecting Children: Renewing Our Commitment, 111th Annual Meeting and conference on October 25-28, 1987. Held at the Hyatt Regency Hotel in Austin, Texas. For additional information call Kathern Bond at (303) 695-0811 or 1-800-2ASK-AHA.

Promises To Keep - National Rural Housing Conference, December 8-10, 1987 in Washington, D.C. For further information contact: H.J. Macklin, Conference coordinator at (202) 842-8600.

Training in Child Sexual Abuse in American Indian Communities; Focusing on Incestuous Families. Hosted by Three Feathers Associates. There are six four-day workshops in the following locations on specified dates. There is no registration fee for the workshops. For further info contact Antonia Dobrec at (405) 360-2919.

July 21-24	Oklahoma City, OK	Ramada Inn (405)943-8551
August 11-14	Bismarck, ND	
Sept. 15-18	Seattle, WA	
Oct. 6-9	Duluth, MN	
Nov. 3-6	Phoenix, Arizona	
Dec. 1-4	Albuquerque, NM	

THE AMERICAN INDIAN INTERNATIONAL PEACE DAY, JUNE 25

Pray for World Peace, Honor the Creator's Gifts. Custer Battlefield at 8 a.m. on June 25. For further information call the Battlefield Museum at 406-638-2621.

EDUCATION AND THE RURAL ECONOMY PROGRAM DEVELOPMENT FOR ADULT LEARNERS

October 2-4, 1987. For further info, contact: Office of Community Service, Washington State Univ., Pullman, WA 99164-2134.

AMERICAN INDIAN CULTURE FESTIVAL & POW WOW at the Oregon State Fair,
August 28-Sept.7, 1987 in Salem, OR

7TH ANNUAL MONTANA INSTITUTE FOR BILINGUAL TRAINING, July 22-23, 1987 at
the Billings Ramada Inn. For more information contact Dr. John Reyhner,
EMC, Billings (406/657-2034.

POW-WOW SCHEDULE

Red Bottom Celebration, Frazer, Mt, June 19-21

Blackfeet Community College PowWow, Browning, MT, May 23-24

North American Indian Days, Browning, MT, July 9-12, 1987

Crow Fair, Crow Agency, MT, August 19-23

Badlands Celebration, Brockton, June 26-28

Ft. Kipp Celebration, Ft. Kipp, July 3-5

Iron Ring Celebration, Poplar, MT , July 17-19

Wadozona, Wolf Point, MT, August 7-9

Oil Celebration, Poplar, MT , August 20-23

Arlee PowWow, Arlee, MT, July 2-5

Elmo PowWow, Elmo, MT , July 17-19

Milk River Indian Days, Harlem, MT July 23-26

Rocky Boy's PowWow, Box Elder, MT , July 30-Aug.2

N. Cheyenne PowWow, Lame Deer, MT, July 2-5

Doughboy Pow Wow, Bull head (Rock Creek), June 28, 1987

Fort Ducheneaux Northern Ute Pow Wow, Fort Ducheneaux, Utah, July 3-5

Wakpamni Fourth of July Pow Wow, Sisseton, July 3-5, 1987

Peguisse Pow Wow, Peguisse, Manitoba, Canada, July 3-5, 1987

Black Hills Exposition Pos Wow, Civic Center, Rapid City, July 10-12

Standing Rock Pow Wow, Fort Yates, ND, July 31-Aug 2

Oglala Nation Fair and Rodeo, Pine Ridge Village, July 30-Aug 2

Lower Brule Annual Rodeo and PowWow, Lower Brule, Aug. 7-9

Crow Creek Fair, Rodeo, and PowWow, Fort Thompson, Aug 22-23

Rosebud PowWow and Rodeo, Rosebud, Aug 29-30

United Tribes International PowWow, Bismarck, ND Sept. 12-13

Powdermaker PowWow, 4 mi. N. of Edmonton, Canada, July 3-5

JOB ANNOUNCEMENTS

State of Montana - Dept. of Commerce, Montana Promotion Officer I, Grade 14. Closing date is July 2 at 5 pm. For further information contact your local job service or the Helena Job Service at 449-6006.

State of Montana - Office of Public Instruction, Special Education Specialist, Grade 16. Closing date is July 8 at 5 pm. For further information contact your local job service or the Helena Job Service at 449-6006.

Missoula County High Schools, Art Teacher at Sentinel High School (Half-time), Closing date is July 2. For further info, contact: Shirley Rosengren at 728-2400.

University of Montana, Missoula, Director of Telecommunications Center Closing date is July 10. For further info, contact: Sue Spencer at 125 Main Hall, U of M, Missoula 59812.

